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SUBJECT: AEC TWO-YEAR PROGRESS REPORT UPBEAT ON ACHIEVEMENTS, BUT
MANY SHORTCOMINGS NOTED

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¶11. (U) SUMMARY: AEC Chairman Tom Vraalsen presented the AEC's two-year progress report to Sudanese President Al-Bashir on November ¶3. There has not been any public reaction by the Government as yet, no doubt because the report notes the major areas of deficiency in implementation, chief among them the Abyei stalemate. Seeking balance, the report also emphasizes the areas of successful CPA implementation. Those who actually read the report will be left with the impression that a plethora of implementing bodies (and acronyms) have been created, but also left wondering just how much work the many agencies have accomplished (in general, not much). This cable summarizes the report, which is formally titled "Factual Report on the Status of CPA Implementation, 2007." End Summary

Chairman's Foreword: Some impressive achievements

¶12. (U) The Report starts with the Chairman's Foreword focusing on the four working groups - Power Sharing (headed by Italy), Wealth Sharing (U.S.), Three Areas (Netherlands), and Security Arrangements (U.K.). The Foreword notes "significant progress achieved by the parties in implementation of CPA since 2005." Chief among the accomplishments are the adoption of the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (ICSS), the establishment of the Government of National Unity (GNU) and the Government of Southern Sudan (GoSS), and, not least of all, "the general compliance with the ceasefire." The Foreword points out that the ambitious task outlined in the CPA is nothing less than political nation-building, "a daunting task under the best of circumstances." The various accomplishments and shortcomings are put in perspective, in essence that this is a hugely ambitious task, and much has in fact been accomplished.

Power Sharing: Successes and Shortcomings

¶13. (U) Much has been accomplished in building the new institutions called for in the CPA, including the Presidency, the National Assembly, and the Interim constitution. However, in other areas, deadlines have not been met and much remains to be done. Among the successes and shortcomings in implementation:

Successes:

- Many bodies created, most are "in operation"
- Progress in planning census
- Census pilot project carried out in all states
- Southern representation on National Constitutional Court
- National Judicial Service Commission established, training a national judiciary
- North/South technical border commission established and operating, aiming for border demarcation by February 2008

-- Southern and Northern States have adopted state constitutions

Failings:

-- Abyei interim administrative area council not established
-- No national program for reconciliation and healing
-- Chronic delays in funding hampers census planning
-- National Electoral Law and Commission overdue
-- Continued non-representation of Southerners in Khartoum law enforcement agencies
-- Commission to safeguard rights of non-Muslims in Khartoum not yet operational
-- National Civil Service Commission, affirmative action program not yet operational
-- National Security Act and Council not established
-- Human Rights Commission not established
-- Identification of security organs of the two parties and their assets not accomplished
-- No Southern representation on National Supreme Court
-- National Land Commission not established

Wealth Sharing: Oil revenues distributed, but more transparency is required

¶ 14. (U) The U.S.-led Working Group reported that, by and large, the provisions of the wealth sharing protocol are being met. The various agencies called for in the protocol are up and running. Oil revenues are being distributed to the various parties according to the formula enshrined in the protocol and the CPA. However, the SPLM is pushing for more transparency along the entire stream of oil production. For example, the SPLM has concerns regarding the levels of transport and management fees being deducted from the profits. For its part, the NCP claims that the SPLM/GOSS has usurped some functions of the national government in the South, particularly collection of customs duties.

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¶ 15. (U) Abyei accounts for the most significant shortcoming in wealth sharing: because the Abyei area borders have not been agreed, the entitlement to oil revenues from the area have not been determined, and transfers of funds has not taken place.

Three Areas: No progress on Abyei

¶ 16. (U) The Abyei area dominates this working group, with little progress to report. The report states that "Progress with regard to the Protocol on the Resolution of the Abyei Conflict has been little as the key decision on the ABC-report, submitted to the Presidency on 14 July 2005, has yet to be taken. Parties differ on the validity of the report which prevents further implementation of the majority of provisions of the protocol."

¶ 17. (U) Regarding the other two areas, Southern Kordofan and Blue Nile, the report notes "substantial progress." However, the two states are struggling to cope with the fiscal and policy decentralization mandated by the CPA.

Security: Ceasefire holds, but JIUs not integrated

¶ 18. (U) According to the AEC report, it is in the realm of Security that the most progress has been achieved in CPA implementation. The Security Working Group notes that aside from one serious incident in November 2006, "ceasefire violations have been few and comparatively minor - the peace has held." However, in the area of forming and strengthening the institutions to maintain that peace and, in the longer term, to foster national unity, much still remains to be done.

¶ 19. (U) Much progress has been made on redeployment of troops, but

the two parties disagree on the numbers remaining to be redeployed. The SAF maintains that it redeployed over 90% of its non-Joint Integrated Unit (JIU) forces by the CPA deadline of 09 July 2007, and claims that most of the remaining forces are in the oil-producing areas and cannot leave until the JIUs are able to take over there.

¶10. (U) The JIUs themselves are impressive on paper, though the reality is far less impressive. The report notes, "while co-located, and with each JIU having a commander chosen on a rotating basis between SAF and SPLA, in practice the two command chains have generally remained separate, with separate administration and, to date, limited professional interaction." Some of the supposedly SAF forces in the JIUs are, in fact, other armed groups (OAGs) that were associated with the SAF.

Comment

¶11. (SBU) Vraalsen obviously tried to strike a balance in his report between highlighting the progress that has been made, while encouraging more of it, and drawing attention to the challenges that lie ahead. Vraalsen writes that three years remain in the interim period in which the two parties must "make unity attractive" to the voters of Southern Sudan if national unity is to be maintained after ¶2011. He notes that no "program for reconciliation and healing" has been instituted - a shortcoming that neither party seems concerned about. The AEC report does not refer to the current political crisis between the SPLM and the NCP, but it is the outcome of that crisis - particularly on the Abyei issue - in the upcoming weeks and months that may determine the success or failure of the CPA. Even complete success in that regard seems unlikely to change the minds of many in the South on whether to vote for unity in 2011. After decades of war, much mistrust remains.

FERNANDEZ